

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-cv-60909

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Plaintiff,

v.

**COMPLAINT AND REQUEST FOR
INJUNCTIVE RELIEF**

PERFORMANCE HOSPITALITY
MANAGEMENT, LLC

Defendant.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000 et seq. (“Title VII”), for an order directing Performance Hospitality Management (“Defendant”) to prepare, execute, and file accurate and complete Employer Information Report EEO-1s (“EEO-1 reports”) as required by Section 709(c) of Title VII, 42 U.S.C. §2000e-8(c), and regulations issued thereunder, 29 C.F.R. §§1602.7 – 1602.14, for each calendar year for which Defendant is in violation of its reporting obligations. The U.S. Equal Employment Opportunity Commission (“Commission”) alleges that in prior reporting years, including calendar years 2021 and 2022, and despite written notices and demands from the Commission, Defendant has failed to fully comply with its obligation to file such reports, in violation of said statute and regulations.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1345. This action is authorized and instituted pursuant to 42 U.S.C. § 2000e-8(c) and regulations issued thereunder.

2. Venue in this Court is proper as Defendant is found, resides, or transacts business within the jurisdiction of the United States District Court for the Southern District of Florida.

PARTIES

3. Plaintiff, the Commission, is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action pursuant to 42 U.S.C. §2000e-8(c) and regulations issued thereunder, 29 C.F.R. §1602.9.

4. At all relevant times, Defendant could be found, resides, or transacts business within the State of Florida and the city of Fort Lauderdale, county of Broward, and has continuously had at least 100 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. 2000e (b), (g), and (h).

STATEMENT OF CLAIMS

6. In 2021 Defendant had 100 or more employees.

7. Defendant was under a duty to file an EEO-1 report for 2021.

8. The Commission issued to Defendant notice of non-compliance and failure to file its required EEO-1 report for 2021.

9. Defendant failed to fully comply with its obligation to prepare, execute and file an accurate and complete EEO-1 report for 2021.

10. As of the date of this action, Defendant never filed its required EEO-1 report for 2021.

11. In 2022 Defendant had 100 or more employees.

12. The Commission issued to Defendant notice of non-compliance and failure to file its required EEO-1 report for 2022.

13. Defendant failed to fully comply with its obligation to prepare, execute and file an accurate and complete EEO-1 report for 2022.

14. As of the date of this action, Defendant never filed its required EEO-1 report for 2022.

15. Defendant's failure to file said EEO-1 reports is in violation of Section 709(c) of Title VII, 42 U.S.C. §2000e-8(c), and regulations issued thereunder, 29 C.F.R. §§1602.7 – 1602.14.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Order that Defendant, without further delay, shall prepare, execute, and file accurate and complete EEO-1 reports as required by law for each prior calendar year for which it has failed to file requisite reports, including 2021 and 2022;

B. Order that Defendant file accurate and complete EEO-1 reports as required by law for each calendar year in the future;

C. Grant such further relief as the Court deems necessary and proper in the public interest; and,

D. Award the Commission its costs of this action.

Dated: May 28, 2024

Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

KARLA GILBRIDE
General Counsel
U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
131 M Street, N.E.
Washington, DC 20507

KRISTEN M. FOSLID
Regional Attorney
Miami District Office
Florida Bar No. 0688681

s/ Carter M. Sox
CARTER M. SOX
Trial Attorney
Florida Bar No. 116907
carter.sox@eeoc.gov
U.S. Equal Employment
Opportunity Commission
Miami District Office
Miami Tower
100 S.E. 2nd Street, Suite 1500
Miami, Florida 33131
(786) 648-5851